

Updated Frequently Asked Questions (FAQs) Capital Planning Region (CPR) Regulation

General

1. Why is the Province moving forward on regional planning?

Planning regions are central to the Province's vision for growth and greater economic competitiveness on a global scale. Coordinated regional planning is critical to building a strong foundation for post-COVID economic recovery that will help promote job creation, attract and facilitate private and public investment, and improve housing affordability in Manitoba's capital region.

Regional planning has a significant role in facilitating economic development, reducing red tape, and establishing a long-term strategy to guide regional investments in strategic infrastructure. When regional planning approaches are implemented, they typically result in coordinated and cost-effective service delivery, improved consistency of planning policy, and more effective single window regional approaches to attract development. Most capital regions in Canada have some form of regional planning in place that recognize when a large development happens in one community and is coordinated it can deliver direct and indirect benefits for all regional partners.

2. How is the Capital Planning Region different from the existing Winnipeg Metropolitan Region (WMR)?

The existing Winnipeg Metropolitan Region is a voluntary group of 18 municipalities that provides a forum to share information, conduct research and informally promote regional solutions to common issues faced by municipalities in the capital region.

The new Capital Planning Region has the formal authority and mandate to enhance economic and social development by improving and coordinating sustainable land use and development in the region. This will be accomplished by adopting a regional plan, facilitating and promoting regional considerations in the provision of infrastructure and services, leading the development of regional responses to planning issues and identifying and promoting opportunities for regional cooperation in the development of infrastructure and the provision of services.

3. How will the CPR Board operate and fulfill its mandate?

In accordance with The Planning Act, the CPR Board must make by-laws respecting procedures of the Board for calling and conducting meetings and hearings, keeping minutes and recording by-laws. Additionally, the CPR Board must also establish a code of conduct and a conflict of interest policy for the directors, officers and employees of the CPR. The CPR Board must operate in accordance with its own by-laws, policies and any applicable regulations and laws. At its discretion, the CPR Board may hire staff or establish any committees, sub-committees or advisory groups to assist the Board make decisions to deliver on its mandate.

For transparency, the CPR Regulation requires the Board by-laws, and other information (e.g. annual budgets, meeting agendas and minutes), to be made available by posting them on a publicly accessible website.

4. How will the regional plan impact member municipalities?

Within three years after the planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws and its drinking and wastewater management plans to ensure that they are not inconsistent with the applicable regional planning by-law, and if necessary make any required amendments. The intention of requiring local by-laws (e.g. development plan, zoning by-law) to be consistent with the regional plan is to promote investment by providing greater certainty

and transparency to property owners and developers regarding the procedures and policies that will be used to make land use decisions throughout the whole region.

5. What will happen to the WMR now that the new regional planning board has been established?

The Winnipeg Metropolitan Region and the new Capital Planning Region are two separate entities – WMR was created under the Corporations Act and the CPR was created under The Planning Act. However, the municipal membership of both organizations are the same 18 municipalities. Discussions between Provincial and WMR representatives are ongoing to determine the best approach to transition key assets and intellectual property of the WMR to the newly established CPR.

Board Appointments and Governance

6. How many municipally-appointed directors will be on the CPR Board? How many votes will each member municipality have on the CPR Board?

The CPR's membership includes 18 regional municipalities. Under the CPR Regulation, each municipality has one representative on the CPR's Board of Directors and each representative has one vote.

7. What is the role of municipal and provincial appointees to the regional planning board?

All persons appointed to the regional planning board have both a fiduciary "duty of loyalty" and "duty of care" towards the CPR statutory corporation. In exercising their powers and performing their duties as directors, each person must act honestly and in good faith with a view to the best interest of the corporation and its mandate to improve and coordinate sustainable land use and development in the region.

8. How will the CPR Board resolve conflicts or disagreements among directors to facilitate decision-making?

In addition to establishing a mandatory code of conduct and a conflict of interest policy, directors may agree to adopt a by-law outlining a process to resolve disputes about the operation of the corporation and use that process to attempt to resolve any dispute involving the operation of the CPR.

9. Is municipal membership on the CPR Board optional?

No, the membership of the CPR Board is established in The Planning Amendment and City of Winnipeg Charter Amendment Act. The membership of the CPR Board is the same as the current membership of the WMR that includes 18 municipalities, each with a long history of promoting regional initiatives going back to 1989, or even further in some cases.

10. Can appointed municipal representatives be non-elected individuals?

No, under the CPR Regulation, by default the appointed municipal representative for all CPR member municipalities is the head of the municipal councils (e.g. reeve or mayor). At their discretion, municipalities may appoint a different member of Council to the CPR Board at any time, instead of their heads of council.

11. Can the Province appoint directors to the CPR Board?

Yes, the Minister of Municipal Relations may appoint up to four (4) directors to the CPR Board.

12. Do directors appointed by the Minister have voting privileges?

Yes, any directors appointed by the Minister have the same privileges and responsibilities as municipally-appointed directors, including the ability to vote on any Board motions or decisions.

13. What is the purpose of Minister-appointed directors on the CPR Board? Who will be appointed by the Minister?

Provincial appointees will work with municipally-appointed members of the Board to promote cooperation and collaboration in achieving long term goals of sustainable development. Provincially appointed directors will be selected through the Agencies, Boards and Commissions (ABCs) appointment process used to select Manitobans with the appropriate qualifications, skills, experience and background necessary to meaningfully contribute to the CPR Board's work.

14. How will the Chair and Vice-Chair of the CPR Board be selected?

Under the CPR Regulation, the Minister is to designate one of the directors as Chair and one of the directors as Vice-Chair after consulting with the CPR Board.

15. Can the public participate and make representations during public meetings and hearings held by the CPR Board?

Any public meetings and hearings, for which notice is required under the CPR Regulation, are open to any person who wishes to make a representation on the matter being considered at the meeting or hearing. Submissions may be made verbally at the hearing. Alternatively, written submissions may be made prior to or during the hearing. Participation at the meeting or hearing must occur in accordance with the CPR Board's by-laws regarding the conduct of meetings and hearings.

16. By who and how will the CPR's budget be approved?

Under the CPR Regulation, the CPR's Board must prepare and approve an annual budget for its operations each fiscal year. The CPR Board has the authority to set the contributions payable by each member municipality. However, all member municipalities, except Winnipeg, must contribute at least the minimum contribution amount applicable based on their respective population size, as shown in the most recent census taken and available under Canada's *Statistics Act*, as outlined in the CPR Regulation. The City of Winnipeg's minimum contribution is determined differently; it must at a minimum equal the aggregate amount of fees contributed by the other 17 member municipalities. For clarity, any municipal contributions above the minimum outlined in the CPR Regulation must be approved by the individual Councils of member municipalities.

17. How does the CPR Board budgeting process align with the municipal budgeting process?

The CPR Regulation originally required that the annual budget be approved by February 28 at the latest and forwarded to the Minister 14 days after it was approved. However, the CPR Regulation was modified in direct response to feedback received from municipalities during the consultation process to ensure alignment with municipal budgeting processes. As such, the annual budget that the CPR Board must prepare and approve each year must now be submitted before the start of the fiscal year that the budget is intended for.

Majority Decisions

18. How will the CPR Board make decisions?

Decisions by the CPR require a vote by the Board of Directors. Decisions will be made using a double majority system, meaning for a motion to pass, it will require two conditions to be met:

- A majority of the directors present voting in favour of the motion; and
- The municipally-appointed directors voting in favour must represent at least 50% of the population of the Capital Region.

This double majority decision making system allows the region to move forward together in a spirit of collaboration and partnership only when the majority of municipalities are in agreement. For example, the CPR's smallest municipality, the Village of Dunnottar, has a population of less than 1,000 residents. Meanwhile, the largest municipality, the City of Winnipeg, has a population of about 750,000 residents. However, all municipalities have a single vote worth the same amount regardless of size. As such, a voting system was required that acknowledged that over 85% of the Capital Region's population lives within the City of Winnipeg, while at the same time ensuring that the City of Winnipeg cannot act

unilaterally without the support of the majority of the Board. The double majority provides a system in which motions must be supported by the majority of directors present and have support from the City of Winnipeg's director to pass.

19. What decisions do the voting structure outlined in the regulation apply to?

The voting structure outlined in the CPR Regulation applies to any decision of the CPR Board. This includes, but is not limited to, the adoption of all board by-laws, including the regional plan by-law and procedural board by-laws (e.g. code of conduct and conflict of interest policies), financial matters (e.g. budget approval) and all matters that require the board as a whole to make a decision.

20. What does quorum mean? Can the Board make decisions on a motion without quorum?

Under the CPR Regulation, quorum of the Board is defined as any meeting in which the majority of Board Directors and the Chair or Vice-Chair of the Board and the director representing the City of Winnipeg are present. A quorum is required to make decisions on any Board motions.

Regional Plan

21. Is the adoption process for the Regional Plan (Plan 20-50) similar to the one for Development Plans? If yes, what are the main differences between the adoption processes for Development Plans and Regional Plans?

Yes, the adoption process for the Regional Plan (Plan 20-50) that the CPR Board must follow is similar to the process used for a Development Plan, with some key differences to reflect the larger scope of a Regional Plan.

A Development Plan applies only to a single municipality or planning district (made up of two or more municipalities) and requires that one (1) public hearing be held after first reading, in accordance to *The Planning Act*. The adoption process for a Regional Plan requires consultation to be undertaken prior to first reading, including holding one or more public consultations to obtain feedback on the plan and consulting with the Minister of Municipal Relations, appropriate provincial staff, member municipalities, and any other organization or group the CPR Board deems appropriate. After first reading, the CPR must also hold a minimum of two public hearings, with at least one hearing being held in the City of Winnipeg and at least one hearing being held in a member municipality other than the City of Winnipeg.

22. Who is responsible for adopting the Regional Plan?

The CPR Board is responsible for adopting the Regional Plan by-law. Prior to a final decision by the CPR Board to give the by-law third reading, the Minister must review and approve the Regional Plan. The CPR Regulation allows the Minister to require the Board to alter the Regional Plan or request the Board to comply with specific conditions, as part of Ministerial approval.

23. How detailed will the Regional Plan be and how will municipal plans, by-laws, policies etc. be aligned with the Plan?

The Regional Plan is expected to be detailed enough to provide broad guidance for sustainable land use and development and the provision of infrastructure and services within the region. However, the Regional Plan should not be so detailed as to replace the need for local development plans. Upon Ministerial approval and adoption by the Board, the regional plan will come into effect immediately. Within three years after the CPR Board has adopted a Regional Plan by-law, each regional member municipality must review its by-laws to ensure that they are consistent with the Regional Plan by-law. Ministerial approval of the Regional Plan and the respective amendments to Development Plans will help to ensure the plans are aligned.

24. What will the establishment of a Planning Region and the adoption of a Regional Plan by-law mean for property owners and developers?

Property owners and developers are unlikely to be directly impacted by the establishment of a Planning Region and the adoption of a Regional Plan by-law. The approval of development proposals will continue to be done at the local level. The Planning Region will not hold up development nor add another layer of bureaucracy. The Planning Region is not intended to replace local planning functions, nor is the Regional Plan intended to replace the need for local development plans. Regional plans are expected to deal with matters that affect the region more broadly, such as transportation, growth management and shared servicing.

Consultation and Engagement

25. How will Indigenous communities (e.g. First Nations) be engaged with the CPR's work?

Part of the CPR Board's mandate is to promote, plan, coordinate and facilitate opportunities for cooperation in land use planning and the delivery of public services on a regional basis. It is expected that Indigenous communities will be important regional partners that the CPR Board will endeavour to work with in a manner that is mutually beneficial for regional member municipalities and Indigenous communities. In addition to the coordinated delivery of regional services, it is expected there will be further opportunities for cooperation between Indigenous communities and the CPR's member municipalities (e.g. economic development).

26. What was the consultation process for the CPR Regulation?

Since January 2020, the Department of Municipal Relations has held extensive meetings and technical briefings with key stakeholders to receive input and answer questions about new planning legislation, including the CPR Regulation. Meetings have taken place with a broad range of stakeholders, including the City of Winnipeg, the Association of Manitoba Municipalities, planning districts, rural municipalities, the Winnipeg Metropolitan Region, professional associations and industry.

The CPR Regulation has undergone a thorough consultation period in order to respond to stakeholder questions and concerns regarding the Regulation. The Regulation, along with supplementary materials, was posted to the Manitoba Regulatory Consultation Portal from July 18, 2022 to September 16, 2022. During the consultation period, the Department conducted 10 consultation events including seven technical briefing sessions with stakeholders. Based on received feedback the CPR Regulation was modified to address some recurring issues or concerns raised by stakeholders.

Municipal Relations is committed to on-going dialogue and collaborating with the newly established CPR Board and stakeholders to implement the CPR Regulation to promote enhanced regional collaboration, improve pathways for investment and economic growth and deliver lower costs to taxpayers through shared regional infrastructure and services in Manitoba's Capital Region.